

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 4

BY HEALTH AND WELFARE COMMITTEE

AN ACT

RELATING TO PHARMACISTS; AMENDING SECTION 54-1704, IDAHO CODE, TO PROVIDE THAT PRESCRIBING ANY TOBACCO CESSATION PRODUCT IS WITHIN THE PRACTICE OF PHARMACY; AND AMENDING CHAPTER 17, TITLE 54, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 54-1733E, IDAHO CODE, TO PROVIDE THAT PHARMACISTS MAY PRESCRIBE TOBACCO CESSATION PRODUCTS UNDER CERTAIN CIRCUMSTANCES.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 54-1704, Idaho Code, be, and the same is hereby amended to read as follows:

54-1704. PRACTICE OF PHARMACY. "Practice of pharmacy" means:

(1) The interpretation, evaluation and dispensing of prescription drug orders;

(2) Participation in drug and device selection, drug administration, prospective and retrospective drug reviews and drug or drug-related research;

(3) The provision of patient counseling and the provision of those acts or services necessary to provide pharmaceutical care;

(4) The responsibility for:

(a) Compounding and labeling of drugs and devices, except labeling by a manufacturer, repackager or distributor of nonprescription drugs and commercially packaged legend drugs and devices;

(b) Proper and safe storage of drugs and devices, and maintenance of proper records for them; and

(c) The offering or performing of those acts, services, operations or transactions necessary to the conduct, operation, management and control of pharmacy;

(5) The prescribing of:

(a) Dietary fluoride supplements when prescribed according to the American dental association's recommendations for persons whose drinking water is proven to have a fluoride content below the United States department of health and human services' recommended concentration;

(b) Agents for active immunization when prescribed for susceptible persons six (6) years of age or older for the protection from communicable disease;

(c) Opioid antagonists pursuant to section 54-1733B, Idaho Code; ~~and~~

(d) Epinephrine auto-injectors pursuant to sections 54-1733C and 54-1733D, Idaho Code; and

(e) Tobacco cessation products pursuant to section 54-1733E, Idaho Code.

1       SECTION 2. That Chapter 17, Title 54, Idaho Code, be, and the same is  
2 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
3 ignated as Section 54-1733E, Idaho Code, and to read as follows:

4       54-1733E. TOBACCO CESSATION PRODUCTS -- PRESCRIPTION. Notwithstand-  
5 ing any other provision of law, a pharmacist acting in good faith and exer-  
6 cising reasonable care may prescribe any tobacco cessation product approved  
7 by the federal food and drug administration, provided the following condi-  
8 tions are met:

9       (1) Prior to prescribing tobacco cessation products, the pharmacist  
10 must successfully complete a course on tobacco cessation therapy taught by a  
11 provider accredited by the accreditation council for pharmacy education or  
12 by a comparable provider recognized by the board;

13       (2) When a patient requests a tobacco cessation product, the pharma-  
14 cist shall use a screening procedure based on clinical guidelines to iden-  
15 tify appropriate candidates for treatment by the pharmacist. The pharmacist  
16 shall refer high-risk patients or patients with a contraindication to the  
17 patient's primary care provider, as applicable, or to another provider, as  
18 appropriate; and

19       (3) When a pharmacist prescribes a tobacco cessation product:

20       (a) Documentation of the patient screening and the prescription record  
21 shall be maintained in the records of the pharmacy and a copy shall be  
22 made available to the patient or the patient's provider, or both, upon  
23 request;

24       (b) A follow-up care plan shall be developed and implemented in accor-  
25 dance with clinical guidelines;

26       (c) Notification of the patient screening, the prescription record and  
27 the follow-up care plan shall be provided to the patient's primary care  
28 provider, as applicable, within five (5) business days following the  
29 prescribing of a tobacco cessation product; and

30       (d) The pharmacist shall recommend that the patient seek additional as-  
31 sistance for behavior change including, but not limited to, the Idaho  
32 QuitLine.